

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.: 1:22-CV-22671**

DELIO BATISTA,
CARLOS LOPEZ,
MARIANA LOPEZ, and
RAFAELA VALIENTE

,
Plaintiffs,

vs.

AVANT ASSURANCE INC.,
REINIER CORTES, AND
ANDREA GONZALEZ QUINTERO,

Defendants.

_____ /

DEFENDANTS' FIRST SET OF INTERROGATORIES TO PLAINTIFFS

Defendants, AVANT ASSURANCE INC., ET AL (hereinafter "Defendants"), by and through undersigned counsel and pursuant to Rule 34 of the Federal Rules of Civil Procedure, hereby request Plaintiffs to produce within 30 days the documents identified below at the office of the undersigned counsel.

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DEFINITIONS AND INSTRUCTIONS FOR REQUESTED INFORMATION

INSTRUCTIONS

1. This written discovery shall be responded to as provided by any applicable Federal Rules of this District Court and the Federal Rules of Civil Procedure.

2. Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such business records, including a compilation, abstract or summary thereof and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit, or inspect such records and to make copies, compilations, abstracts or summaries. A specification shall be in sufficient detail to permit the interrogating party to locate and to identify, as readily as can the party served, the records from which the answer may be ascertained.

3. Any ESI produced in response to a Request for Production should be produced in Native or as close to Native as possible (e.g., actual data files such as Word Documents in their .doc or .docx formats, Microsoft Excel Spreadsheets as .xls or .xlsx files, Microsoft Power Point presentations in native .ppt or .pptx formats, WordPerfect documents in native .wpd format, images in .jpg, .jpeg and .png formats and Outlook messages in .pst format); Near-Native files (e.g., email messenger exported from a corporate Microsoft Exchange mail database to a container). Email messages should be produced in a form or forms that readily support import into standard email client programs for Outlook messages.

4. Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the objecting party shall state the reason for objection and shall answer to the extent the interrogatory is not objectionable. The answers are to be signed by the Person making them, and the objections signed by the attorney making them. Should the party who is responding to the interrogatory refuse, on grounds of privilege or immunity, to answer any of the Interrogatories set forth herein, the party responding to the interrogatory shall provide the following information unless divulging the information would disclose the privileged information

- a. the nature of the privilege claimed (including work product);
- b. if the privilege is being asserted in connection with a claim or defense governed by state law, the state privilege rule being invoked;

- c. the date of the Document, electronically stored information or oral Communication;
- d. if a Document: its type (e.g., letter or memorandum) and, if electronically stored information, the software application used to create it (e.g., MS Word or MS Excel Spreadsheet), and the custodian, location, and such other information sufficient to Identify the material for a subpoena duces tecum or a production request, including where appropriate the author, the addressee, and, if not apparent, the relationship between the author and addressee;
- e. if an oral communication: the place where it was made, the names of the Persons present while it was made, and, if not apparent, the relationship of the Persons present to the declarant; and
- f. the general subject matter of the Document, electronically stored information or oral communication.

5. All words and phrases are to be interpreted according to their ordinary usage and meaning unless otherwise defined herein.

6. As used herein, the singular and masculine form of noun and pronouns shall embrace, and be read and applied as, the plural or feminine or neuter, as circumstances may make appropriate, if not already so designated.

7. If all of the information furnished in answer to all or part of an interrogatory is not within the personal knowledge of the affiant, "Identify" each individual to whom all or part of the information furnished is a matter of personal knowledge and each individual who communicated to the affiant any part of the information furnished

8. **Unless otherwise stated, the Documents and ESI requested herein are those Documents and ESI which came into existence on or after October, 2020.**

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DEFINITIONS

The following definitions apply to terms as they are used herein, regardless of tense or whether the terms are used in the singular, plural, or possessive case.

a) “Document” or “documents” or “documentation” shall mean every original (and every copy of any original or copy which differs in any way from any original) of every writing or recording of any kind or description, whether handwritten, typed, drawn, sketched, printed or recorded by any physical, mechanical, electronic or electrical means whatever, including without limitation, books, records, computer listings, computer printouts, computer programs, e-mails, and tapes upon which information is stored, papers, pamphlets, brochures, circulars, advertisements, specifications, blueprints, maps, plats, surveys, drawings, sketches, graphs, charts, plans, laboratory or engineering reports notebooks, worksheets, reports, lists, analyses, summaries, ledger accounts, audits, inventories, tax returns, financial statements, profit and loss statements, cash flow statements, annual or other periodic reports, prospectuses, registrations, correspondence, communications, telegrams, solicitations, minutes, stock ledgers, stock certificates, licenses, permits, calendars, appointment books, diaries, telephone bills and toll call records, expense reports, balance sheets, accountant’s work papers, work sheets, commission statements, itineraries, agendas, payroll records, notes, memoranda including inter-office memoranda, checkbooks, canceled checks, receipts, contracts, agreements, instrument assignments, applications, offers, acceptances, proposals, financing statements, documents of title, appraisals, purchase orders, invoices, bills of lading, written memorials or oral communications, forecasts, photographs, photographic slides or negatives, films, filmstrips, tapes and recordings. Document stored electronically shall be produced in native format.

b) The term “You”, “Your”, or “Plaintiffs”, shall mean Plaintiffs, CARLOS EDUARDO LOPEZ ALCALA, DELIO BATISTA, RAFAELA VALIENTE AND MARIANA LOPEZ, separately and/or collectively unless otherwise directed, shall include any predecessors, directors, officers, employees, agents, representatives, attorneys or other persons acting, or purporting to act, on behalf of Plaintiffs separately and/or collectively. Where a response to a Request calls for information from or identification of persons or entities constituting less than all of the named Defendants, documents should be produced which identify each such person or entity separately even if within the group of persons making up the definition of “PLAINTIFFS” herein.

c) “Defendants” shall mean Defendants, AVANT ASSURANCE INC., REINIER CORTES and ANDREA QUINTEROS.

d) “Complaint” shall mean the Complaint filed in the above-styled litigation.

e) The terms “relate(s) to” or “relating to” mean: pertaining to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts or contradicts.

f) “Describe” and “Describing” means (i) state the place and Date of, and (ii) “Identify” the Persons, if any involved, and (iii) “Identify” the “Documents,” if any, involved or

relevant to the facts, transactions, communications, events, circumstances or occurrences in question; and (iv) state the nature and subject matter of the facts, transactions, communications, events, circumstances, Documents or occurrences in question.

g) “Duplicate” has the meaning given to this term by Fed. R. Evid. 1001(e).

h) “Electronically Stored Information” or “ESI” is any information created or stored on or in connection with computer technology of any type and includes, but is not limited to, data; word-processing Documents; spreadsheets; presentation Documents; graphics; animations; images; e-mail and instant messages (including attachments); audio, video, and audiovisual recordings; voicemail stored on databases; networks; computers and computer systems; servers; archives; backup or disaster recovery systems; discs, CDs, diskettes, drives, tapes, cartridges and other storage media; printers; the Internet; personal digital assistants; handheld wireless devices; cellular telephones; pagers; fax machines; and voicemail systems, and any and all files and file fragments, regardless of the media on which they reside and regardless of whether said electronically stored data consists in an active file, deleted file or file fragment.

i) “Identify,” when used in reference to a Document, means and includes the name and address of the custodian of the Document, the location of the Document, and a general description of the Document, including (1) the type of Document (i.e., correspondence, memorandum, facsimile etc.); (2) the general subject matter of the Document; (3) the date of the Document, if known; (4) the author of the Document, if known; (5) the addressee of the Document, if known; and (6) the relationship of the author and addressee to each other, if known.

j) “Identify,” when used in reference to a Person, means and includes: (1) the name of the Person; (2) the present address of the Person if known; (3) the Person’s telephone number if known; (4) the employer of the Person, if known; and (5) the relationship of the Person to You, if known.

k) “Identify,” when used in reference to a statement, means and includes: (1) the name of the Person making the statement; (2) the general subject matter of the statement; (3) the date the statement was made; and (4) to whom the statement was made.

l) Unless otherwise specified, the relevant time period encompassing the following requests shall be October, 2020 through the present.

FIRST SET OF INTERROGATORIES

(Questions to be fully answered under oath)

(Use separate sheets if additional space is needed for Responses)

INTERROGATORY NO. 1.:

Identify each and every person answering or assisting in answering these interrogatories, and if applicable, the person's official position or relationship with the parties to whom the interrogatories are directed.

ANSWER:

INTERROGATORY NO. 2.:

Identify each person who has, claims to have, or is likely to have knowledge or information relating to the facts, claims, defenses, circumstances, damages, or other issues involved in this Action. For each Person, identify and describe the following:

- (i) The allegations, facts, claims, defenses, circumstances, damages, or other issues for which such Person may have knowledge or information.
- (ii) The information or knowledge that such Person claims to have or that You believe is likely to have; and all Documents and Communications related to the same;
- (iii) The activities or other involvement of such Person with respect to the facts, claims, defenses, circumstances, counterclaims, damages, or other issues; time period(s) during which such Person engaged in such activities or was involved; and all Documents and Communication related to the same.

ANSWER:

INTERROGATORY NO. 3.:

Identify each Plaintiff's clients you communicated with. Please state the name, address, and telephone number of the contact personnel you have dealt with. Please identify any documents or communications that You used to rely upon for your answer.

ANSWER:

INTERROGATORY NO. 4.:

Identify the persons who provided you the list of Plaintiff's clients.

ANSWER:

INTERROGATORY NO. 6.:

Identify and describe any other lawsuit where you are involved.

- (i) The case number, style, and current status of the pleadings;
- (ii) The basis for the suit;
- (iii) The type of product or good that is subject to the suit;

ANSWER:

INTERROGATORY NO. 7.:

Identify any communications or in-person meetings where You and Plaintiff discussed about the reason for leaving your position.

- (i) The date of the Communication;
- (ii) The medium of the Communication;
- (iii) If the Communication was in-person, who was present during the Communication.

ANSWER:

INTERROGATORY NO. 8.:

Please state the name, address, and telephone number of all persons and witnesses you expect or intend to call to testify as a witness at trial. Please state a brief description of each potential witness' expected testimony. Please identify any documents or communications that each witness will rely upon for their testimony.

ANSWER:

INTERROGATORY NO. 9.:

Please identify and state the name and address of all expert witnesses you expect to call to testify as an expert witness at trial. For each expert witness identified, identify and describe the following:

- (i) The Person's field of his/her expertise;
- (ii) The subject matter on which each person is expected to testify;
- (iii) The substance of the facts and opinions to which such expert is expected to testify;
- (iv) A summary of the grounds for each such opinion.
- (v) A detailed list of all publications which each expert identified above has authored or co-authored, the name of the publication in which the article has appeared, or the name of the publisher who has published the article, and enough information about the publication to enable the Defendant to obtain it.

ANSWER:

STATE OF _____
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me by means of ____ physical presence or ____ online
notarization this ____ day of _____, 2023, by _____, who is ____
personally known by me ____ or produced sufficient identification of
_____ (type of identification) and says that the answers to the above and
foregoing Defendant's Expert & Witness Interrogatories to Plaintiffs are true and correct to the
best of his/her knowledge and belief.

Notary Public
State of Florida, At Large

My Commission Expires:

My Commission Number:

